

IF YOU OPPOSE this motion, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, NOT LATER THAN THE RESPONSE DATE, which is **November 12, 2020**. You should also appear at the time of hearing. If you fail to do so, the Court may enter an order granting the motion without any hearing and without further notice.

MOTION

COMES NOW, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

1. Debtor filed this case on **February 20, 2016**. The case was confirmed by order of the Court on **August 2, 2016**.
2. Pursuant to the confirmed plan, Debtor is required to make plan payments of **\$2,400.00** per month. Debtor is presently delinquent in plan payments in the amount of **\$5,505.81**, and the plan is underfunded to complete in the remaining months allowed, supported by the Declaration filed herewith.
3. In addition, Debtor has failed to provide copies of the 2018 and 2019 tax returns to the Trustee.
4. Debtor has defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan payments.

WHEREFORE the Trustee prays that this case be dismissed and closed.

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600

DATED this 2nd day of October, 2020 at Tacoma, Washington.

/s/Michael G/ Malaier

Michael G. Malaier, WSBA# 34729
Chapter 13 Standing Trustee

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8 **IN THE UNITED STATES BANKRUPTCY COURT FOR THE**
9 **WESTERN DISTRICT OF WASHINGTON AT TACOMA**

10 In re:

11 YVONNE INEZ DAVIS,

12
13 Debtor.

Case No.: 16-40664-BDL

PROPOSED
ORDER DISMISSING CHAPTER 13 CASE

14 **THIS MATTER** having come before the Court on the Trustee's Motion to Dismiss, due
15 notice of hearing having been given to the Debtor and the attorney for the Debtor; the Debtor
16 having not otherwise responded or appeared, the Court having reviewed the motion and being
17 fully advised in the premises, IT IS HEREBY
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19 **ORDERED** that any funds being held by the Trustee shall be applied to the filing fee,
20 with any remaining balance returned to the Debtor; it is further

21 **ORDERED** that upon dismissal or conversion, any refund shall be payable to the
22 Debtor and may be forwarded to the Debtor through the attorney's office per 11 U.S.C.
23 349(b)(3); it is further
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25

ORDERED that the above-captioned case be dismissed effective on the date of this Order and the Trustee is directed to administratively close this case and issue Trustee's Final Report to creditors.

///End of Order///

Presented by:

Michael G. Malaier, WSBA# 34729
Chapter 13 Standing Trustee

ORDER DISMISSING CASE

Michael G. Malaier
Chapter 13 Standing Trustee
2122 Commerce Street
Tacoma, WA 98402
(253) 572-6600